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**BUSINESS AND PROFESSIONS
CODE**
Sections 23000 to End

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Classification*

Volume 5A

SUPERSEDED

ST. PAUL, MINN.
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PLAINTIFF'S EXHIBIT	
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EXHIBIT NO.	310

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and the certification of an illegal determination, added by Stats.1953, c. 152, pp. 999-1000, § 1, were derived from Stats. 1935, c. 330, p. 1123, § 34h, added by Stats. 1941, c. 328, p. 1555, § 29.

Sections 24611-24618, which provided for an action to recover a claimed right of refund and prohibited resort to other remedies, added by Stats.1953, c. 152, pp. 999, 1000, § 1, were derived from Stats.1935, c. 330, p. 1123, § 34i, added by Stats.1941, c. 328, p. 1556, § 30.

For disposition of the subject matter of the repealed sections, see Disposition Table following chapter heading.

Chapter 10

ALCOHOLIC BEVERAGES FAIR TRADE CONTRACTS AND PRICE POSTING

Sec.

24749. Purpose of chapter.

24750. Fair trade contracts; authority; stipulations.

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24751. Fair trade contracts; implied conditions.

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24755. Minimum retail price schedule; filing; amendments; loss leader sales; rejection of noncomplying schedules; exempt sales.

24756. Price lists; filing; contents; compliance.

24757. Administrative rules; enforcement.

Chapter 10 added by Stats.1953, c. 152, p. 1000, § 1. See Historical Note following division heading, preceding § 23000.

Cross References

Beer price posting and marketing regulations, see § 25000 et seq.

Constitutional provision relating to alcoholic beverages, see Const. art. 20, § 22.

Contracts in restraint of trade, see § 16600 et seq.

Fair trade contracts, see § 16900 et seq.

Limitation as to time of filing accusations, see §§ 24206, 24208.

Seizure for violations, see § 25350.

Unfair trade practices, see § 17000 et seq.

Wine fair trade contracts, see § 24850 et seq.

§ 24749. Purpose of chapter. It is the declared policy of the State that it is necessary to regulate and control the manufacture, sale, and distribution of alcoholic beverages within this State for the purpose of fostering and promoting temperance in their consumption and respect for and obedience to the law. In order to eliminate price wars which unduly stimulate the sale and consumption of alcoholic beverages and disrupt the orderly sale and distribution thereof, it is hereby declared as the policy of this State that the sale of alcoholic beverages should be subjected to certain restrictions and regulations. The necessity for the enactment of provisions of this chapter is, therefore, de-

clared as a matter of legislative determination. (Added Stats.1961, c. 635, p. 1835, § 1.)

Library references: Trade Regulation Ⓒ953; C.J.S. Trade-Marks, Trade-Names and Unfair Competition § 246.

Administrative Code References

Distilled spirits price posting, see 4 Cal.Adm.Code 100.1.
Minimum retail price schedule, see 4 Cal.Adm.Code 90.

§ 24750. Fair trade contracts; authority; stipulations. No contract relating to the sale or resale of any alcoholic beverage which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or owner of the alcoholic beverage and which is in fair and open competition with alcoholic beverages of the same general class produced by others violates any law of this State by reason of either of the following provisions which may be contained in such contract:

(a) That the buyer will not resell the alcoholic beverage except at the price stipulated by the vendor.

(b) That the producer or vendee of the alcoholic beverage require, upon the sale of the alcoholic beverage to another, that the purchaser agree that he will not, in turn, resell except at the price stipulated by the producer or vendee. (Added Stats.1953, c. 152, p. 1000, § 1.)

Derivation: Stats.1935, c. 330, p. 1123, § 55.5, added Stats.1937, c. 753, p. 2173, § 88.

Code Commission Notes

"Container" was substituted for "content" to conform to apparent intent of section. See § 16902.

Cross References

Trade-marks, see § 14200 et seq.
Wine transactions, compliance with fair trade contract, see § 24862.

Administrative Code References

Fair trading of malt beverages, see 4 Cal.Adm.Code 90.

Law Review Commentaries

Validity of minimum price laws. (1953) 1 U.C.L.A.Law R. 100.

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Library references

Intoxicating Liquors Ⓒ110.
Trade Regulation Ⓒ951 et seq.

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C.J.S. Intoxicating Liquors § 191.
C.J.S. Trade-Marks, Trade-Names, and Unfair Competition § 246.

1. Validity

Provisions of the Alcoholic Beverage Control Act providing for fixing of fair trade prices did not amount to a violation of the due process clause of the Fourteenth Amendment of the federal Constitution on theory it was an impairment of property right to prohibit a retailer from selling

beverages at whatever price it chooses to fix. *Dave's Market, Inc. v. Department of Alcoholic Beverage Control of Cal.* (1963) 35 Cal.Rptr. 348, 222 A.C.A. 731.

Provisions of §§ 24752, 24755 and this section, authorizing fair trade contracts and making price cutting actionable as unfair competition, are not unconstitutional. *House of Seagram, Inc. v. M. C. F., Inc.* (1962) 19 Cal.Rptr. 646, 200 C.A.2d 774.

Fair trade provisions of the Alcoholic Beverage Control Act are not invalid as unlawfully delegating legislative power in so far as they provide that each producer and wholesaler must set the price at which retailers must sell his product. *Allied Properties v. Department of Alcoholic Beverage Control* (1959) 346 P.2d 737, 53 C.2d 141.

It was not the purpose of the Alcoholic Beverage Control legislation to reduce intemperance by establishing high prices generally but only by preventing the increase of consumption of alcoholic beverages resulting from retail price cutting and bargain sales, and the Legislature could take reasonable measures to eliminate some of the causes of an evil without attacking all of them and the classification made by the Legislature in regulating retail prices without regulating wholesale prices was reasonable. *Id.*

2. Construction and application

Substantial evidence supported findings of Department of Alcoholic Beverage Control that alcoholic beverages covered by fair trade contracts were in fair and open competition. *Cohon v. Department of Alcoholic Beverage Control* (1963) 32 Cal.Rptr. 723, 218 A.C.A. 350.

Certified copies of fair trade contracts and fair trade contract price schedules which had been duly filed with Department of Alcoholic Beverage Control and which covered brands involved were sufficient to support implied finding that liquors sold by licensees in alleged violation of minimum resale price were in fair and open competition. *United Liquors, Inc. v. Department of Alcoholic Beverage Control* (1963) 32 Cal.Rptr. 603, 218 A.C.A. 474.

It was not necessary for licensees to have been parties to fair trade contracts on intoxicating liquors in order for the licensees to have been subject to the prices fixed by such contracts. *DeMartini v. Department of Alcoholic Beverage Control* (1963) 30 Cal.Rptr. 668, 215 A.C.A. 835.

Alcoholic beverages may not be fair traded under provisions of the Fair Trade Act, in view of fair trade contract provisions of the Alcoholic Beverage Control Act and

California Administrative Code provisions promulgated by department of alcoholic beverage control. 36 Ops.Atty.Gen. 277.

3. Law governing

The Alcoholic Beverage Control Act prevails in the event it should conflict with other statutes. *A. B. C. Distributing Co. v. Distillers Distributing Corp.* (1957) 316 P.2d 71, 154 C.A.2d 175.

If there were irreconcilable conflict between state anti-trust law and provisions of subsequently enacted Alcoholic Beverage Control Act, legalizing fair trade contracts in liquor industry, later legislation would control. *Nelson v. Reilly* (1948) 198 P.2d 694, 88 C.A.2d 303.

4. Sale or resale agreements

Provisions of rule of state board of equalization, requiring that fair trade contracts, filed with board by manufacturers, wholesalers and rectifiers of distilled spirits, state minimum resale prices to consumers, minimum retail prices chargeable by purchasers from vendees, and discounts offered, and provisions as to obtaining permission for "close out" sales, were valid as setting up reasonable means for administration of act. *Nelson v. Reilly* (1948) 198 P.2d 694, 88 C.A.2d 303.

A licensed liquor retailer's contention that when he filed mandamus petition to compel rescission of rule of state board of equalization requiring such licensees to enter into fair trade contracts, Alcoholic Beverage Control Act did not render operation under such contracts obligatory, raised only moot question, in view of subsequently added section requiring retail sale of distilled spirits pursuant to such contracts. *Id.*

Rule 100 of state board of equalization requiring dealers to maintain with the board a schedule of selling prices and discounts was within statutory and constitutional powers of board. 9 Ops.Atty.Gen. 296.

5. Labels or containers

A brewer choosing to fair trade his beer under a fair trade contract, must sell the product under a fair trade contract irrespective of the size or type of container in which it is marketed. 36 Ops.Atty.Gen. 277.

State board of equalization Rule 99 requiring sales of whiskey and brandy to be in containers bearing a brand label pursuant to a fair trade contract under Alcoholic Beverage Control Act, § 55.5, was within the statutory and constitutional powers of the board. 9 Ops.Atty.Gen. 296.

6. Actions and proceedings

Distiller's complaint to enjoin liquor store from selling distiller's brands at below fair trade prices set by distiller sufficiently stated cause of action. *House of Seagram, Inc. v. M. C. F., Inc.* (1962) 19 Cal.Rptr. 646, 200 C.A.2d 774.

Department of alcoholic beverage control could determine, in the first instance,

in pending administrative proceeding, the constitutionality of the Alcoholic Beverage Control Act fair trade provisions which retail liquor dealers were charged with having violated, and therefore the dealers would have to exhaust their administrative remedy before seeking declaratory relief that such provisions are unconstitutional. *Walker v. Munro* (1960) 2 Cal. Rptr. 737, 178 C.A.2d 67.

§ 24750.5 Fair trade contracts for wine; authority. Fair trade contracts for wine have been and shall continue to be authorized by this chapter. Such contracts shall be governed by the applicable provisions of this chapter and Chapter 11 (commencing with Section 24850). (Added Stats.1961, c. 635, p. 1835, § 2.)

Library references: Trade Regulation 954; C.J.S. Trade-Marks, Trade-Names and Unfair Competition § 247.

Cross References

Contents of fair trade contracts, see § 24869.

§ 24751. Fair trade contracts; implied conditions. The provisions authorized by Section 24750 in any contract imply conditions that the alcoholic beverage may be resold without reference to the agreement in the following cases:

(a) In closing out the owner's stock for the purpose of discontinuing delivery of any such alcoholic beverage. At the place of any such sale and upon the goods sold and in any advertisement in connection therewith public notice shall be given of the character of the sale as a close out sale. The alcoholic beverage shall first be offered to the manufacturer or vendor thereof at the original invoice price at least 10 days before it is offered for sale to the public.

(b) When the alcoholic beverage or container is damaged or deteriorated in quality, and notice of this fact is given to the public at the place of any such sale and upon the goods sold and in any advertisement in connection therewith.

(c) By any officer acting under the orders of any court. (Added Stats.1953, c. 152, p. 1001, § 1.)

Derivation: Stats.1935, c. 330, p. 1123, § 53.5, added Stats.1937, c. 758, p. 2173, § 88.

Cross References

Resale without reference to agreement, fair trade contracts, see § 16902.
Wine close-out sales, permission, see § 24876.

Administrative Code References

Fair trading of malt beverages, see 4 Cal.Admin.Code 90.

Notes of Decisions

Library references

Intoxicating Liquors § 110.
Trade Regulation § 951 et seq.
C.J.S. Intoxicating Liquors § 191.
C.J.S. Trade-Marks, Trade-Names, and
Unfair Competition § 246.

1. In general

A brewer choosing to fair trade his beer under a fair trade contract, must sell the product under a fair trade contract irrespective of the size or type of container in which it is marked. 36 Ops.Atty.Gen. 277.

§ 24752. Fair trade contracts; price cutting; unfair competition; right of action. Willfully and knowingly advertising, offering for sale, or selling any alcoholic beverage at less than the price stipulated in any contract entered into pursuant to this chapter, or in any effective minimum retail price schedule filed with the department pursuant to Section 24755, whether the person so advertising, offering for sale, or selling is or is not a party to the contract, is unfair competition and is actionable at the suit of any person damaged thereby. (Added Stats.1953, c. 152, p. 1001, § 1, as amended Stats.1961, c. 635, p. 1835, § 2.5.)

Historical Note

The 1961 amendment inserted the phrase "or in any effective minimum retail price schedule filed with the department pursuant to Section 24755". Derivation: Stats.1935, c. 330, p. 1123, § 55.5, added Stats.1937, c. 753, p. 2173, § 88.

Cross References

Similar provision regarding fair trade contracts, see § 10904.

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Library references

Intoxicating Liquors § 110.
Trade Regulation § 951 et seq.
C.J.S. Intoxicating Liquors § 191.
C.J.S. Trade-Marks, Trade-Names, and
Unfair Competition § 246.

1. Validity

Provisions of this section and §§ 24750, 24755, authorizing fair trade contracts and making price cutting actionable as unfair competition are not unconstitutional. House of Seagram, Inc. v. M. C. F., Inc. (1962) 19 Cal.Rptr. 646, 200 C.A.2d 774.

2. Actions and proceedings

Distiller's complaint to enjoin liquor store from selling distiller's brands at below fair trade prices set by distiller sufficiently stated cause of action. House of Seagram, Inc. v. M. C. F., Inc. (1962) 19 Cal.Rptr. 646, 200 C.A.2d 774.

3. Conspiracy

Alleged sale of alcoholic beverages at less than listed price could result in conviction for conspiracy to commit a crime or act injurious to public morals. Peck's Liquors, Inc. v. Superior Court In and For San Francisco County (1963) 34 Cal.Rptr. 735, 221 A.C.A. 492.

§ 24753. Excluded contracts. This chapter does not apply to any contract or agreement between producers or between wholesalers or between retailers as to sale or resale prices. (Added Stats.1953, c. 152, p. 1001, § 1.)

Derivation: Stats.1935, c. 330, p. 1123, § 55.5, added Stats.1937, c. 753, p. 2173, § 88.

Library references: Intoxicating Liquors § 110; Trade Regulation § 951 et seq.; C.J.S. Intoxicating Liquors § 191; C.J.S. Trade-Marks, Trade-Names, and Unfair Competition § 246.

Cross References

Retailer defined, see § 23023.

Similar provision with regard to fair trade contracts, see § 16905.

Wholesaler defined, see § 23021.

§ 24754. **Items subject to chapter.** The provisions of this chapter apply to the containers, cartons, cases, or bottles for alcoholic beverages. (Added Stats.1953, c. 152, p. 1001, § 1.)

Derivation: Stats.1935, c. 330, p. 1123, § 55.6, added Stats.1947, c. 657, p. 1698, § 1, amended Stats.1949, c. 574, p. 1071, § 3.

Library references: Intoxicating Liquors §110; Trade Regulation §951 et seq.; C.J.S. Intoxicating Liquors § 191; C.J.S. Trade-Marks, Trade-Names, and Unfair Competition § 246.

Cross References

Alcoholic beverages defined, see § 23004.

Containers, weights and measures, see § 12601 et seq.

§ 24755. **Minimum retail price schedule; filing; amendments; loss leader sales; rejection of noncomplying schedules; exempt sales.** (a) **No package of distilled spirits which bears the brand, trademark or name of the owner or person in control shall be sold at retail in this State for consumption off the license premises unless a minimum retail price for such package first shall have been filed with the department in accordance with the provisions of this section.**

(b) A price for each of such packages shall be in a minimum retail price schedule setting forth with respect to each package the exact brand, trademark or name, capacity, and type of package, type of distilled spirits, age and proof, where stated on the label, and the minimum selling price at retail. The price for any such package may be filed separately and differently for the trading area of Southern California and the trading area of Northern California. The trading area of Southern California shall consist of the Counties of Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Bernardino, Imperial and San Diego. The Northern California trading area shall consist of the other counties of the State. No more than one person shall file a schedule for the same package for the same trading area. Any person filing such schedule shall cause such schedule to be published in a manner which will result in each retailer affected by such schedule being advised of the contents of such schedule prior to the effective date thereof.

(c) Such schedule shall be filed by (1) the owner of the brand, if licensed in the State; (2) any licensee, other than a retailer, selling the brand and who is authorized in writing by the brand owner to file such schedule if the brand owner is not licensed in this State; (3) a manufacturer or rectifier licensed in this State and who bottles

under the brand owned by a retailer; or (4) any licensee with the approval of the department, if the owner of the brand does not file or is unable to file a schedule or authorize a licensee other than a retailer to file such schedule.

(d) Schedules filed pursuant to this section may be amended, changed, or modified by filing such amendments, change, or modification with the department on or before the 15th day of any month to take effect on the first day of the second succeeding calendar month; except that prices filed for a brand, size, or type not included in a schedule in effect at the time such brand, size, or type is filed, and prices filed to meet the price of a competitive brand, may be filed on or before the 15th day of any month to take effect on the first day of the following month. For the purpose of this section, a competitive brand shall mean any brand of the same type of distilled spirits having a filed selling price at retail within one dollar (\$1) per gallon of the brand for which a competitive price is filed.

No retailer shall sell any package of distilled spirits as a loss leader. "Loss leader," as used in this section, means a sale below cost as such cost is defined in Sections 17026 to 17029, inclusive, of this code, except that a sale below cost made under the provisions of Section 17050 of this code shall not be deemed a loss leader sale.

The department shall reject any price schedule which does not comply with this subdivision.

(e) No offsale licensee shall sell any package of distilled spirits at any price less than the effective filed price of such package unless written permission is granted by the department, for good cause shown and for reasons not inconsistent with this division.

(f) The provisions of this section shall not apply to:

(1) A closeout sale made in good faith and approved by the department when the following conditions exist: (i) the stock of distilled spirits sought to be closed out has been in this State, either in the possession of the vendor who sold it to the retailer or in the possession of the retailer who seeks to close out the brand, for a period of not less than six months; (ii) the stock of distilled spirits to be closed out was not brought into this State for the purpose of offering it, or any part of it, at a closeout sale; (iii) at least 10 days prior to filing a request with the department for approval to sell the stock at a closeout sale, the retailer had offered to return the distilled spirits, at his original invoice cost, to both the vendors from whom he purchased them or to his successor and to the licensee who filed the minimum price schedule under the provisions of this section; (iv) such offer of return was not accepted.

At the place of any closeout sale and upon any package of distilled spirits to be so sold and in any advertisement in connection therewith, public notice shall be given of the sale as a closeout sale. Following the conclusion of a closeout sale, the retailer who conducted such sale shall not sell the same brands of distilled spirits for a period of at least one year.

(2) Sales made with the approval of the department when the distilled spirits or the package is damaged or deteriorated in quality and notice of this fact is given to the public at the place of any such sale and upon the package offered for sale and in any advertisement in connection therewith.

(3) Sales made by any officer acting under the orders of any court.

(4) Sales of distilled spirits for use in the manufacture or production of food products which are unfit for beverage use as provided in Section 23112, if such distilled spirits are sold to a person who holds a permit and identification number authorizing the filing of a claim for drawback of federal distilled spirits excise taxes under the Federal Non-Beverage Drawback Regulations.

(g) A minimum retail price schedule containing a minimum retail price for each package of any brand of beer may be filed under the provisions of this chapter by the person in control of such brand and when so filed, the provisions of this chapter and any rules adopted by the department for the administration of the provisions of this chapter shall apply to the sale of packages of such brand of beer. (Added Stats.1961, c. 635, p. 1835, § 4, as amended Stats.1963, c. 1022, p. —, § 1.)

Historical Note

The 1963 amendment added subsection (f) (4).

Former section 24755 which provided that beverages could be sold pursuant to a contract, added by Stats.1953, c. 152, p. 1001, § 1, derived from Stats.1935, c. 330, p. 1123, § 55.6, added by Stats.1947, c. 637, p. 1698, § 1; Stats.1949, c. 574, p. 1071, § 3, was repealed by Stats.1961, c. 635, p. 1835, § 3.

Cross References

Violation of minimum retail price schedule, see § 24752.

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Library references

Intoxicating Liquors §110.
Trade Regulation §951 et seq.
C.J.S. Intoxicating Liquors § 191.

C.J.S. Trade-Marks, Trade-Names, and Unfair Competition § 246.

1. Validity

Provisions of the Alcoholic Beverage Control Act providing for fixing of fair trade prices did not amount to a violation of the due process clause of the Fourteenth Amendment of the federal Constitution on theory it was an impairment of prop-

§ 24755

ALCOHOLIC BEVERAGES

Div. 9

erty right to prohibit a retailer from selling beverages at whatever price it chooses to fix. *Dave's Market, Inc. v. Department of Alcoholic Beverage Control of Cal.* (1963) 35 Cal.Rptr. 348, 222 A.C.A. 731.

Provisions of §§ 24752, 24750 and this section authorizing fair trade contracts and making price cutting actionable as unfair competition are not unconstitutional. *House of Seagram, Inc. v. M. C. F., Inc.* (1962) 19 Cal.Rptr. 646, 200 C.A.2d 774.

2. In general

Fair trade contracts covering alcoholic beverages were valid. *Cohon v. Department of Alcoholic Beverage Control* (1963) 32 Cal.Rptr. 723, 218 A.C.A. 350.

Assuming entrapment defense to be available in administrative hearing, evidence was insufficient to establish that liquor licensee's clerk, who was ready to complete sale, was entrapped into selling liquor to Department of Alcoholic Beverage Control agent, who represented himself to be member of employee's club, at less than fair trade minimum resale prices. *United Liquors, Inc. v. Department of Alcoholic Beverage Control* (1963) 32 Cal.Rptr. 603, 218 A.C.A. 474.

Findings of the Department of Alcoholic Beverage Control that licensees made sales at less than stipulated resale prices and that such prices were set forth in fair trade contracts duly filed with the Department were sufficient to sustain license suspension by the Department, and Department was not required to make a finding that the beverages were in fair and open competition, even though li-

cencees defended on such grounds. *De-Martini v. Department of Alcoholic Beverage Control* (1963) 30 Cal.Rptr. 668, 215 A.C.A. 885.

If there were irreconcilable conflict between state anti-trust law and provisions of subsequently enacted Alcoholic Beverage Control Act, legalizing fair trade contracts in liquor industry, later legislation would control. *Nelson v. Reilly* (1948) 198 P.2d 694, 88 C.A.2d 303.

Beer may, but need not be, fair traded under Alcoholic Beverage Control Act, but advertising branded beer as fair traded, when in fact it is not fair traded, constitutes violation of administrative rules of department of alcoholic beverage control relating to misleading advertising and is grounds for revocation or suspension of license and criminal prosecution. 36 Ops. Atty.Gen. 277.

3. Actions and proceedings

Distiller's complaint to enjoin liquor store from selling distiller's brands at below fair trade prices set by distiller sufficiently stated cause of action. *House of Seagram, Inc. v. M. C. F., Inc.* (1962) 19 Cal.Rptr. 646, 200 C.A.2d 774.

4. Revocation of license

Revocation of a retailer's license for selling whiskey in violation of fair trade contracts did not constitute an abuse of discretion where there was a showing of a deliberate and repeated course of conduct in such regard. *Dave's Market, Inc. v. Department of Alcoholic Beverage Control of Cal.* (1963) 35 Cal.Rptr. 348, 222 A.C.A. 731.

§ 24756. Price lists; filing; contents; compliance. Every distilled spirits manufacturer, brandy manufacturer, rectifier, and wholesaler shall file and maintain with the department a price list showing the prices at which distilled spirits are sold to retailers by the licensee. Sales of distilled spirits to retailers by each distilled spirits manufacturer, brandy manufacturer, rectifier, and wholesaler shall be made in compliance with the price list of the licensee on file with the department. (Added Stats.1953, c. 152, p. 1001, § 1, as amended Stats. 1955, c. 447, p. 918, § 97.)

Historical Note

The 1955 amendment substituted "department" for "board" throughout the section.

Derivation: Stats.1935, c. 330, p. 1123, § 55.6, added Stats.1947, c. 657, p. 1698, § 1, amended Stats.1949, c. 574, p. 1071, § 3.

Notes of Decisions

Library references

Intoxicating Liquors Ⓒ110.
Trade Regulation Ⓒ951 et seq.

C.J.S. Intoxicating Liquors § 191.
C.J.S. Trade-Marks, Trade-Names, and Unfair Competition § 246.

Ch. 11

FAIR TRADE CONTRACTS

I. In general

Provisions of rule of state board of equalization, requiring that fair trade contracts, filed with board by manufacturers, wholesalers and rectifiers of distilled spirits, state minimum resale prices to consumers, minimum retail prices

chargeable by purchasers from vendees, and discounts offered, and provisions as to obtaining permission for "close out" sales, were valid as setting up reasonable means for administration of act. Nelson v. Reilly (1948) 198 P.2d 694, 88 C.A.2d 303.

§ 24757. Administrative rules; enforcement. The department may adopt such rules as it determines to be necessary for the administration of Sections 24754 to 24756, inclusive, and shall take such steps as may be necessary to enforce the provisions of such sections and the rules adopted by it for the administration thereof. (Added Stats.1953, c. 152, p. 1002, § 1, as amended Stats.1955, c. 447, p. 918, § 98; Stats.1961, c. 635, p. 1837, § 5.)

Historical Note

The 1955 amendment substituted "department" for "board" near the beginning of the section.

The 1961 amendment added all that portion of the section following the word "inclusive."

Derivation: Stats.1935, c. 330, p. 1123, § 55.6, added Stats.1947, c. 657, p. 1698, § 1, amended Stats.1949, c. 574, p. 1071, § 3.

Cross References

Rules and regulations in general, see § 25750.

Administrative Code References

Prices, see 4 Cal.Adm.Code 90 et seq.

Notes of Decisions

Library references

Administrative Law and Procedure
C-388.

C.J.S. Public Administrative Bodies and
Procedure § 95.

I. In general

Provisions of rule of state board of equalization, requiring that fair trade contracts, filed with board by manufac-

turers, wholesalers and rectifiers of distilled spirits, state minimum resale prices to consumers, minimum retail prices chargeable by purchasers from vendees, and discounts offered, and provisions as to obtaining permission for "close out" sales, were valid as setting up reasonable means for administration of act. Nelson v. Reilly (1948) 198 P.2d 694, 88 C.A.2d 303.

Chapter 11

WINE FAIR TRADE CONTRACTS AND PRICE POSTING

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- 24852. Bulk wine.
- 24853. Class; type.
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- 24855. Consumer.